

DOCKET FILE COPY ORIGINAL

RECEIVED

MAR 16 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
) CC Docket 95-116
Telephone Number Portability)
Phase II Implementation.)

PETITION FOR WAIVER

The Sprint Local Telephone Companies hereby request a waiver, pursuant to Section 1.3 of the Commission's rules¹, of the requirement to provide local number portability in the Dallas MSA by May 15, 1998.

In its First Memorandum Opinion and Order on Reconsideration², the Commission modified the schedule for deployment of long-term number portability ("LNP") for Phases I and II. As a result of that Order, Phase II implementation – which includes the Dallas MSA – is to be completed no later than May 15, 1998. The Commission also directed those companies not able to meet the May 15th deadline to file a waiver request no later than sixty days prior to the implementation deadline.

Sprint is requesting a waiver for four of its selected offices. Sprint asserts that in three of those offices - specifically Ponder, Sanger and Slidell - its systems are in place and it is fully prepared to implement LNP in compliance with the Commission's schedule. However, Sprint has learned that Southwestern Bell has determined that it will not be able to meeting the May 15th deployment deadline. In a waiver request filed with the Commission on February 20, 1998, Southwestern Bell explained that it requires a delay due to defects found in connection with the Signal Transfer Point ("STP") upgrades needed for local number portability. The company states that it is in

¹ 47 C.F.R. Section 1.3.

No. of Copies rec'd
List ABOVE

025

the process of getting new software from its vendor but will require time to test that software to ensure network reliability. Southwestern Bell expects to be in a position to deploy LNP to the Dallas MSA by June 26, 1998.

Due to this recent development, Sprint now finds itself in the position of requiring a waiver of the May 15th implementation date as well. Sprint relies on Southwestern Bell for the provision of operator and directory assistance services to its Ponder, Sanger and Slidell customers. One of the essential functions performed by Southwestern Bell as a part of these services is LIDB validation. Sprint understands that Southwestern Bell's inability to load the LRN software used for LNP will result in its inability to provide LIDB validation services on ported calls into and out of Sprint's exchanges. The failure of Southwestern Bell to perform that validation function will expose Sprint to fraudulent third party and collect calls. Until such time as Southwestern Bell can properly validate those calls, Sprint should not be forced to expose itself and its customers to such fraudulent activities. Sprint, therefore, requests that it not be required to deploy its LNP service until Southwestern Bell is ready to do so.

Likewise, Sprint requests a waiver of the May 15th implementation deadline for its Athens office, also located in the Dallas MSA. Sprint has scheduled a central office change-out for the Athens exchange, which is to be completed on June 16th. While Sprint could technically deploy LNP out of the existing switch on the May 15th implementation date, once the new switch is turned-up, the service would have to be interrupted in order to allow the company to perform testing necessary to ensure that the new switch interacts properly with the NPAC. Sprint assures the Commission that it will do as much testing as is possible prior to the June 16th cut-over date using both the switch currently in place as well as the new digital switch. Once the cut-over has

² In the Matter of Telephone Number Portability, First Memorandum Opinion and Order on reconsideration, CC Docket 95-116, released March 11, 1997.

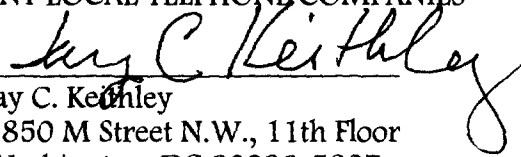
occurred, Sprint will immediately continue its testing and be prepared to implement LNP in the Athens office within 30 days.

Section 1.3 of the Commission's rules states that the Commission may waive any provision of its rules if good cause is shown. Good cause is shown through the existence of special circumstances that warrant deviation from the general rule and such deviation will serve the public interest. Sprint submits that special circumstances exist in this instance. With respect to the Ponder, Sanger and Slidell offices, factors outside of Sprint's control, specifically the failure of Southwestern Bell's STP software to perform as necessary will cause that company to delay its LNP deployment which will, in turn, negatively effect Sprint's ability to meet the May 15th deployment deadline. Southwestern Bell's software problems, and its failure to identify those problems until recently, are the sole reasons for Sprint's inability to comply with the Commission's LNP implementation schedule for the Ponder, Sanger and Slidell offices. Because Sprint is otherwise prepared to deploy NLP, the public interest will be served, even with the grant of this waiver request, since it will introduce LNP to these offices immediately once Southwestern Bell's technical problems are cured.

Similarly, the previously planned upgrade of the Athens central office presents special circumstances worthy of a waiver. The new switch will enhance the overall quality of service provided to Sprint's Athens area customers and thus it would not be in the public interest to allow the LNP implementation schedule alone to negatively impact its deployment. Neither would it be in the public interest to require Sprint to institute LNP in the existing switch, only to have the service interrupted days later during the cut-over to the new switch. Granting the waiver would serve the public interest since it would allow the new switch to be deployed on schedule, and ensure that uninterrupted LNP service would be available 30 days thereafter.

Based on the foregoing reasons, Sprint respectfully requests that, to the extent the Commission grants the waiver requested by Southwestern Bell for deployment of LNP in the Dallas MSA until June 26, 1998, it grant a like waiver to Sprint for its Ponder, Sanger and Slidell offices. Further, Sprint requests the Commission grant a waiver for implementation of LNP in the Athens office until July 16, 1998.

Respectfully submitted,
SPRINT LOCAL TELEPHONE COMPANIES

By 
Jay C. Keithley
1850 M Street N.W., 11th Floor
Washington, DC 20036-5807
(202) 857-1030

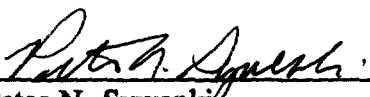
Sandra K. Williams
P. O. Box 11315
Kansas City, MO 64112
(913) 624-2086

Its Attorneys

March 16, 1998

CERTIFICATE OF SERVICE

I, Peter N. Sywenki, hereby certify that I have on this 16th day of March 1998, served via U.S. First Class Mail, postage prepaid, or Hand Delivery, a copy of the foregoing "Petition for Waiver" of the Sprint Local Telephone Companies in the Matter of Telephone Number Portability Phase II Implementation, CC Docket 95-116, filed this date with the Secretary, Federal Communications Commission, to the persons on the attached service list.



Peter N. Sywenki

* Indicates Hand Delivery

Richard Metzger*
Chief, Common Carrier Bureau
Federal Communications Commission
1919 M Street, NW, Room 500
Washington, DC 20554

Wilbur Thomas*
ITS
1919 M Street, NW, Room 246
Washington, DC 20554

Joel Ader*
Bellcore
2101 L Street, NW
Suite 600
Washington, DC 20036

John Muleta*
FCC
1919 M Street, NW
Room 500
Washington, DC 20554

Marian Gordon*
FCC
2000 M Street, NW
Room 246
Washington, DC 20554

Patrick Forster
FCC
2000 M Street, NW
Room 246
Washington, DC 20554

Geraldine Matisse*
FCC
2000 M Street, NW
Room 246
Washington, DC 20554

Andre Rausch
FCC
2000 M Street, NW
Room 246
Washington, DC 20554

Alan Hasselwander
Chairman, NANC
4140 Clover Street
Honeoye Falls, NY 14472